REMARKS

The Examiner is thanked for the careful examination of the application. In view of the Office Action, claims 1 and 2, the only independent claims pending, have been amended.

Claims 1, 2, 4 – 6, 8, 9, 17 – 20, 22, 23, 26, 35, 36, 38, 39, and 42 have been rejected under 35 USC 102(b) as allegedly being anticipated by USP 3,952,746, hereinafter Summers. And, claims 7, 10, 11, 21, 24, 25, 37, 40, and 41 have been rejected under 35 USC 103(a) as allegedly being obvious over Summers

The amended claims now recite an absorbent article combination that includes, among other elements, a separate strip of material fastened on the inside of the backsheet or being an integral part of the backsheet, the strip having a different color than the backsheet, wherein the wetness indicators are disposed on the strip such that the location of the plurality of wetness indicators is facilitated by the strip part having a different color than the backsheet and the color of the strip provides an indication of a product type, size, or absorption capacity of the article.

In the Official Action, the Examiner argues that the opening 52 of Summers corresponds to the claimed strip. However, the opening 52 in Summers is transparent. Although Summers does not specifically state that the transparent opening has no color at all, such must be the case. If the opening 52 had any color, then it would be difficult to determine the color of the indicator 54 that is covered by the opening 52. Accordingly, one skilled in the art would understand that the opening 52 of Summers must be colorless. Furthermore, there is no teaching in Summers that the color (if any) of the opening 52 provides an indication of a product type, size, or absorption capacity of the article, as is now recited in the amended

claims 1 and 2. Contrary to the position of the Examiner, there is no structure on the opening 52 that would indicate the type, size or total absorption capacity of the article.

Accordingly, the claims are clearly not anticipated by Summers.

The Examiner's attention is directed to § 2143.01 of the MPEP, wherein there is a paragraph entitled "FACT THAT REFERENCES CAN BE COMBINED OR MODIFIED IS NOT SUFFICIENT TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS". Accordingly, it is not enough that the opening 52 could be modified or used to indicate the size or absorbent capacity of the article. There must be some teaching or suggestion to do so. In view of the fact that there is no such teaching, Applicant submits that the Examiner has failed to provide a *prima facie* case of obviousness. Accordingly, the rejections based on Summers must be withdrawn.

Claims 1 – 11, 18 – 25, 27 – 41, and 43 have been rejected under 35 USC 102(e) as allegedly being anticipated by USP 6,307,119, hereinafter Cammarota. With regard to the rejection of claims 8 and 22, the Examiner states "the article further comprises printed symbols 'big boy' or 'big girl,' as disclosed in column 7, lines 13 – 14, which are capable of indicating the type or size of the product." However, Applicant submits that those terms are not provided to indicate size, they are provide to give encouragement to the child wearing the product, i.e., reassurance that they are a big boy or a big girl. If the terms were intended to indicate size, there would have been an indication of other sizes, such as "small" or "medium".

Furthermore, there is no teaching or suggestion in Cammarota of using the strip 72 to indicate the size or total absorption capacity of the article. The Examiner's attention is directed to the aforementioned paragraph which clearly states that the

fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness. Accordingly, it is not enough that the strip 72 could be modified or used to indicate the size or absorbent capacity of the article. There must be some teaching or suggestion to do so. In view of the fact that there is no such teaching, Applicant submits that the Examiner has failed to provide evidence of anticipation or a *prima facie* case of obviousness. Accordingly, the rejection based on Cammarota must be withdrawn.

Accordingly, claims 1, 2, 5 – 7, 9 – 11, 19 – 21, and 23 - 25 should now be in condition for allowance.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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